

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE LEGEND NIGHT CLUB

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Plaintiff

*

vs.

* CIVIL ACTION NO. MJG-05-2138
(Consolidated with MJG-05-2686)

PRINCE GEORGE'S COUNTY BOARD
OF LICENSE COMMISSIONERS,
et al.

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Defendants

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MEMORANDUM AND ORDER RE: CONCESSION

The Court has before it Plaintiffs and Defendant Prince Georges County Maryland's Joint Motion to Treat Plaintiff's Motion For Attorneys Fees as Conceded (sic) as to the Other Defendants as They Failed to Oppose The Motion [Document 134] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

Plaintiffs seek to have the Court grant them a "default judgment" for legal fees. Plaintiffs seek to have the Court deny the State the right to contend that the Court should award anything less than the full \$238,608.25 sought by Plaintiffs. The Court does not doubt Plaintiffs' counsel's representation that Prince George's County, Maryland, joins in the motion. However, the Court cannot fathom why the County would do so.

It is unnecessary to revisit the issue of the degree of fault, if any, to ascribe to the State's counsel in regard to the timing of filing responses. Even assuming - although certainly not finding - that blame could be "heaped on" counsel, the default sanction would be unwarranted. In any event, the Plaintiffs and, to the extent it may be affected, Prince George's County, Maryland would not be unfairly prejudiced by having the Court determine the correct amount of the legal fee award.

For the foregoing reasons, the Plaintiffs and Defendant Prince Georges County Maryland's Joint Motion to Treat Plaintiff's Motion For Attorneys Fees as Conceded (sic) as to the other Defendants as They Failed to Oppose The Motion [Document 134] is DENIED.

SO ORDERED, on Tuesday, December 6, 2011.

/s/ _____

Marvin J. Garbis
United States District Judge